

**BEACH LAW FIRM, P.A.**

ATTORNEYS AT LAW

1321 LADY STREET, SUITE 310  
POST OFFICE BOX 11547  
COLUMBIA, SOUTH CAROLINA 29211-1547

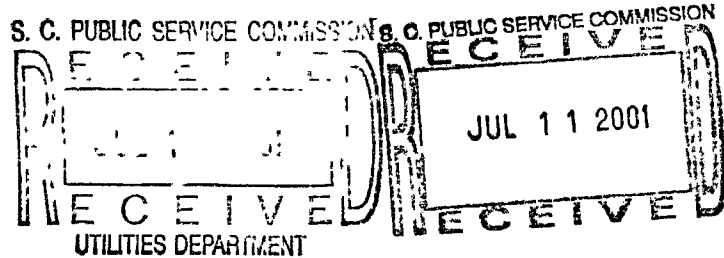
JOHN F. BEACH  
JOHN J. PRINGLE, JR.

AREA CODE 803  
TELEPHONE 779-0066  
FACSIMILE 799-8479

July 11, 2001

**VIA HAND DELIVERY**

The Honorable Gary E. Walsh  
Executive Director  
**SC Public Service Commission**  
P.O. Drawer 11649  
Columbia, SC 29211



RE: Application of Optical Telephone Corporation for a Certificate of Public Convenience and Necessity to Operate as a Reseller of Interexchange Services and for Alternative Regulation First Approved in Docket No. 95-661-C, *Our File No. 01.80*

Dear Mr. Walsh:

Enclosed is the original and ten (10) copies of the **Application** filed on behalf of Optical Telephone Corporation in the above-referenced matter.

Please acknowledge your receipt of this document by file-stamping the copy of this letter enclosed, and returning it via the person delivering same.

If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,

John J. Pringle, Jr.

JJP/cr

cc: Mr. John Ross  
Thomas K. Crowe, Esq.

Enclosures

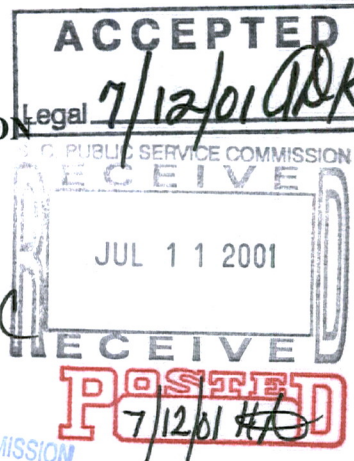
G:\APPS\OFFICE\WPWIN\WPDOCS\Optical Telephone\walsh.app.wpd

ACCEPTED FOR PROCESSING - 2020 March 17 12:16 PM - SCPSC - 2001-309-C - Page 1 of 64

BEFORE THE  
SOUTH CAROLINA PUBLIC SERVICE COMMISSION

In the Matter of the Application of )  
)  
**Optical Telephone Corporation** )  
)  
for a Certificate of Public Convenience )  
and Necessity to Operate as a Reseller )  
of Intrastate Interexchange )  
Telecommunications Services and for )  
Alternative Regulation first approved in )  
Docket No. 95-661-C. )

Docket No. 2001-309-C



APPLICATION

Optical Telephone Corporation ("OTC" or "Applicant"), by its undersigned counsel and pursuant to Chapter 9 of Title 58 of the South Carolina Code Annotated and the rules and regulations of the South Carolina Public Service Commission ("Commission"), hereby applies to the Commission for a Certificate of Public Convenience and Necessity to provide resold intrastate interexchange telecommunications services within the State of South Carolina, including direct-dialed 1+ message telecommunications services and calling card (post-paid) services.

Pursuant to Section 58-9-585 of the South Carolina Code Annotated and the general regulatory authority of the Commission, the Applicant also requests that the Commission regulate its business services, consumer card, and operator service offerings as described below in accordance with the principles and procedures established by Orders No. 95-1734 and 96-55 in Docket No. 95-661-C. The Applicant further requests, pursuant to R. 103-601(3) of the Rules of the Commission, that the Commission waive application to it of R. 103-610 and 103-834(A)(3).

In support thereof, OTC provides the following information, as well as a proposed initial tariff:

1. Applicant's legal name, and the name under which Applicant will provide telecommunications services in South Carolina, is Optical Telephone Corporation. Applicant maintains its principal place of business at:

600 Blvd. South, Suite 104  
Huntsville, AL 35802

2. Correspondence or communications pertaining to this application should be directed to Applicant's attorneys of record:

John F. Beach, Esq.  
John J. Pringle, Jr., Esq.  
**Beach Law Firm, P.A.**  
P.O. Box 11547  
Columbia, SC 29211-1547  
(803) 779-0066 Telephone  
(803) 799-8479 Facsimile  
pringle@beachlaw.net

with a copy to:

Thomas K. Crowe, Esq.  
**Law Offices of Thomas K. Crowe, P.C.**  
2300 M Street, N.W., Suite 800  
Washington, D.C. 20037  
(202) 973-2890 Telephone  
(202) 973-2891 Facsimile

and

John Ross, Vice President  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
(256) 705-3522 Telephone  
(256) 705-3513 Facsimile

3. Questions concerning the ongoing operations of Applicant following certification should be directed to Mr. John Ross at the above address.

4. OTC is incorporated under the laws of the State of Alabama. A copy of the Applicant's Articles of Incorporation is attached as **Exhibit A**. A copy of OTC's authorization to transact business in South Carolina is attached as **Exhibit B**.

5. Applicant's registered agent in the State of South Carolina is:

National Registered Agents, Inc.  
2 Office Park Court  
Suite 103  
Columbia, SC 29223

6. OTC proposes to provide resold intrastate interexchange telecommunications services to subscribers to and from all points in the State of South Carolina. Applicant proposes to initially provide 1+ and calling card (post-paid) services. Subject to demand and to overall economic circumstances, Applicant may subsequently offer additional services. Applicant's services will be available on a full-time basis, twenty-four hours a day, seven days a week. As a switchless resale carrier, Applicant will provide services over the facilities of underlying, authorized, facilities-based carriers. Applicant will resell only the telecommunications services of carriers certificated in South Carolina.

7. OTC is in the process of applying for authorization to provide intrastate interexchange services nationwide. OTC has been authorized to provide interstate telecommunications services by the Federal Communications Commission. OTC has also been authorized/certificated to provide intrastate long distance resold telecommunications services in Colorado, Iowa, Montana, Michigan, New Jersey, Utah, and Virginia.

8. Applicant's management team is well qualified to execute its business plan, having the requisite managerial, financial and technical telecommunications experience. Descriptions of

the managerial and technical experience of Applicant's key personnel are attached as **Exhibit C**.

9. Applicant is financially qualified to provide interexchange telecommunications services in the State of South Carolina. In particular, Applicant has access to the financing and capital necessary to conduct its telecommunications operations as specified in this Application. Applicant will not be constructing its own facilities, or leasing such facilities, and will use its existing personnel and financial resources to provide the proposed services. Accordingly, minimal, if any, additional investment will be needed to offer the proposed services. A description of OTC's financial competence and a recent balance sheet are included as **Exhibit D**.

10. Attached as **Exhibit E** is OTC's proposed tariff setting forth the intrastate rates, terms, and conditions of the services proposed herein. OTC's rates are competitive with rates currently offered to South Carolina consumers.

11. Pursuant to the South Carolina Public Service Commission's Order No. 95-658 (issued March 20, 1995 in Docket No. 94-658), Applicant makes the following affirmation (which is included in Applicant's proposed tariff, attached hereto as Exhibit E):

As a telephone utility under the regulation of the Public Service Commission of South Carolina, Applicant does hereby assert and affirm that as a reseller of intrastate telecommunications service, Applicant will not indulge or participate in deceptive or misleading telecommunications marketing practices to the detriment of consumers in South Carolina, and will comply with those marketing procedures, if any, set forth by the Public Service Commission. Additionally, Applicant will be responsible for the marketing practices of its contracted telemarketers for compliance with this provision. Applicant understands that violation of this provision could result in a rule to show cause as to the withdrawal of its certification to complete intrastate telecommunications traffic within the State of South Carolina.

12. Requested Regulatory Treatment The Applicant requests that all of its business service offerings be regulated pursuant to the procedures described and set out in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C. It is Applicant's intent by this request to have its business

services regulated in the same manner as this Commission has permitted for AT&T Communications of the Southern States, Inc. ("AT&T"). Specifically, Applicant requests that the Commission:

- a) remove the maximum rate tariff requirements for its business services, consumer card, operator service, and future private line, and customer network-type offerings;
- b) presume that the tariff filings for these uncapped services be valid upon filing. However, if the Commission institutes an investigation of a particular filing within seven days, the tariff filing will be suspended until further order of the Commission; and
- c) grant Applicant the same treatment as AT&T in connection with any future relaxation of the Commission's reporting requirements.

13. OTC requests a waiver of the following Commission Rules in accordance with R. 103-601(3):

- a) R. 103-610 (records to be kept in-state). OTC plans to retain its records outside the state. Should this waiver be granted, OTC will expeditiously and at its own cost comply with the Commission's request for documents.
- b) R. 103-834(A)(3) (pro forma financial information for a historic twelve month test period). As a start-up company that is not currently operating, OTC does not yet have available an accurate estimate of operating revenues and expenses. However, OTC has access to substantial financing and capital and is financially qualified to provide telecommunications services in South Carolina as set forth in this application.

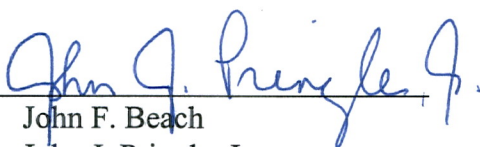
14. Approval of OTC's application will serve the public interest by creating competition in the interexchange marketplace. By promoting competition, OTC will bring significant benefits to South Carolina telecommunications users. OTC anticipates that its proposed services will provide its subscribers with lower-priced and better quality services and will increase consumer choice through innovative, diversified, and reliable service offerings.

**WHEREFORE**, in view of the foregoing, Optical Telephone Corporation respectfully requests that the South Carolina Public Service Commission:

- (1) issue a Certificate of Public Convenience and Necessity authorizing it to engage in the provision of interexchange services within the State of South Carolina (as described in this Application);
- (2) grant to Applicant alternative regulatory treatment as first approved in Docket No. 95-661-C; and
- (3) grant any other and additional relief that the Commission may deem just and proper.

Respectfully submitted,

**OPTICAL TELEPHONE CORPORATION**

By: 

John F. Beach  
John J. Pringle, Jr.  
**BEACH LAW FIRM, P.A.**  
1321 Lady Street, Suite 310  
Post Office Box 11547  
Columbia, South Carolina 29211-1547  
Its Local Counsel

and

Thomas K. Crowe, Esq.  
Daron T. Threet, Esq.  
**LAW OFFICES OF THOMAS K. CROWE, P.C.**  
2300 M Street, N.W., Suite 800  
Washington, D.C. 20037

Its Attorneys

July 11, 2001

## STATE OF ALABAMA

DOMESTIC FOR-PROFIT CORPORATION  
ARTICLES OF INCORPORATION GUIDELINES

## INSTRUCTIONS:

STEP 1: CONTACT THE OFFICE OF THE SECRETARY OF STATE AT (334)242-5324 TO RESERVE A CORPORATE NAME.

STEP 2: TO INCORPORATE, FILE THE ORIGINAL, TWO COPIES OF THE ARTICLES OF INCORPORATION AND THE CERTIFICATE OF NAME RESERVATION IN THE COUNTY WHERE THE CORPORATION'S REGISTERED OFFICE IS LOCATED. THE SECRETARY OF STATE'S FILING FEE IS \$50. PLEASE CONTACT THE JUDGE OF PROBATE TO VERIFY FILING FEES.

PURSUANT TO THE PROVISIONS OF THE ALABAMA BUSINESS CORPORATION ACT, THE UNDERSIGNED HEREBY ADOPTS THE FOLLOWING ARTICLES OF INCORPORATION.

- Article I The name of the corporation:  
Optical Telephone Corporation
- Article II The duration of the corporation is "perpetual" unless otherwise stated.
- Article III The corporation has been organized for the following purpose(s):  
To be a 1st reseller of long distance
- Article IV The number of shares which the corporation shall have the authority to issue is 10,000.
- Article V The street address (NO PO BOX) of the registered office: 600 Boulevard South, Suite 104 Huntsville, AL 35802 and the name of the registered agent at that office: Mark Frost
- Article VI The name(s) and address(es) of the Director(s):  
N/A
- Article VII The name(s) and address(es) of the Incorporator(s):  
Mark Frost: 600 Blvd South, Suite 104 Huntsville, AL 35802

Any provision that is not inconsistent with the law for the regulation of the internal affairs of the corporation or for the restriction of the transfer of shares may be added.

IN WITNESS THEREOF, the undersigned incorporator executed these Articles of Incorporation on this the 15th day of March, 2001.

THIS DOCUMENT PREPARED BY:

Mark Frost  
Huntsville, ALMark Frost  
Type or Print Name of IncorporatorMark Frost  
Signature of IncorporatorSTATE OF ALA. MADISON CO  
I CERTIFY THIS INSTRUMENT  
FILED ON  
01 MAR 16 PM 2:24  
RECEIVED - MTG TAX  
& \$-USE IT HAS BEEN  
PD ON THIS INSTRUMENT



STATE OF ALABAMA

COUNTY OF MADISON

I, Tommy Ragland, Judge of Probate in and for the County and State aforesaid,  
hereby certify that the within and foregoing is a true, correct and complete copy of  
Articles of Incorporation for

*Optical Telephone Corporation*

as same appears of record in my office.

Given under my hand and seal of office this 16<sup>th</sup> day of March,  
2001.

*Tommy Ragland*  
Judge of Probate

# STATE OF ALABAMA

I, Jim Bennett, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that

pursuant to the provisions of Section 10-2B-4.02, Code of Alabama 1975, and upon an examination of the corporation records on file in this office, the following corporate name is reserved as available:

Optical Telephone Corporation

This domestic corporation name is proposed to be incorporated in Madison County and is for the exclusive use of Mark Frost, 600 Blvd South Ste 104, Huntsville, AL 35802 for a period of one hundred twenty days beginning March 8, 2001 and expiring July 7, 2001.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

March 8, 2001

Date



Jim Bennett

Secretary of State

**EXHIBIT B**

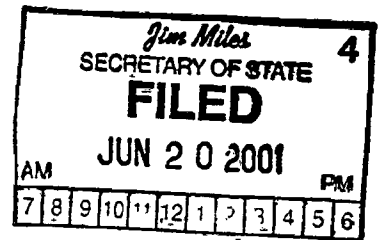
CERTIFIED TO BE A TRUE AND CORRECT COPY  
AS TAKEN FROM AND COMPARED WITH THE  
ORIGINAL ON FILE IN THIS OFFICE

STATE OF SOUTH CAROLINA  
SECRETARY OF STATE

JUN 20 2001

APPLICATION BY A FOREIGN CORPORATION  
FOR A CERTIFICATE OF AUTHORITY  
TO TRANSACT BUSINESS  
IN THE STATE OF SOUTH CAROLINA

*Jim Miles*  
SECRETARY OF STATE OF SOUTH CAROLINA



TYPE OR PRINT CLEARLY WITH BLACK INK

Pursuant to Section 33-15-103 of the 1976 South Carolina Code of Laws, as amended, the undersigned corporation hereby applies for authority to transact business in the State of South Carolina, and for that purpose, hereby submits the following statement:

1. The name of the corporation is (see Sections 33-4-101 and 33-15-106 and Section 33-19-500(b)(1) if the corporation is a professional corporation) OPTICAL TELEPHONE CORPORATION.
2. It is incorporated as (check applicable item) [g] a general business corporation, [a] a professional corporation, under the laws of the state of Alabama.
3. The date of its incorporation is 03/16/01 and the period of its duration is Perpetual.
4. The address of the principal office of the corporation is 600 Boulevard, Suite 104 in the  
Street Address  
City of Huntsville and the state of AL  
Zip Code
5. The address of the proposed registered office the state of South Carolina is  
2 Office Park Court, Suite 103 in the city of Columbia in  
Street Address  
South Carolina 29223  
Zip Code
6. The name of the proposed registered agent in this state at such address is  
National Registered Agents, Inc.

Print Name

I hereby consent to the appointment as registered agent of the corporation.

*William B Swodgrass*  
Signature of the Registered Agent  
*William B Swodgrass*

7. The name and usual business address of the corporation's directors (if the corporation has no directors, then the name and address of the persons who are exercising the statutory authority of the directors on behalf of the corporation) and principal officers:

a) Name of Directors

Business Address

See attached schedule

b) Name and Office  
of Principal Officers

Business Address

See attached schedule

8. The aggregate number of shares which the corporation has authority to issue, itemized by classes and series, if any, within a class:

Class of Shares (and Series, if any)

Authorized Number of Each Class (and Series)

Common

10,000

9. Unless a delayed date is specified, this application shall be effective when accepted for filing by the Secretary of State (See Section 33-1-230): May 1, 2001

Date March 16, 2001

OPTICAL TELEPHONE CORPORATION

Name of Corporation

Signature

Mark Frost, President

Type or Print Name and Office

**ATTACHMENT****OPTICAL TELEPHONE CORPORATION****Officers and Directors List****OFFICERS**

Mark Frost, President  
600 Boulevard South  
Suite 104  
Huntsville, AL 35802

John Ross, Vice President  
600 Boulevard South  
Suite 104  
Huntsville, AL 35802

**DIRECTORS**

Mark Frost, Director  
600 Boulevard South  
Suite 104  
Huntsville, AL 35802

John Ross, Director  
600 Boulevard South  
Suite 104  
Huntsville, AL 35802

# STATE OF ALABAMA

I, Jim Bennett, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that

the domestic corporation records on file in this office disclose that Optical Telephone Corporation incorporated in Madison County, Huntsville, Alabama on March 16, 2001. I further certify that the records do not disclose that said Optical Telephone Corporation has been dissolved.



In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

May 4, 2001

Date

A handwritten signature in cursive script that reads 'Jim Bennett'.

Jim Bennett

Secretary of State



STATE OF SOUTH CAROLINA  
DEPARTMENT OF REVENUE  
**INITIAL ANNUAL REPORT OF CORPORATIONS**

**CL-1**(Rev. 9/20/00)  
3134

Office Use Only

► File Number \_\_\_\_\_ ► ENDING PERIOD \_\_\_\_\_ SID number \_\_\_\_\_  
Month \_\_\_\_\_ Year \_\_\_\_\_

For Secretary of State Use Only

Date "Application for Charter" filed with Secretary of State \_\_\_\_\_

Date of "Request for authority to do business in this state" (Foreign Corp.) JUN 20 2001

FED E.I. Number \_\_\_\_\_

Business Code \_\_\_\_\_  
(Office Use Only)NAME OF CORPORATION OPTICAL TELEPHONE CORPORATION

PHYSICAL ADDRESS OF HEADQUARTERS (NUMBER AND STREET)

600 BOULEVARD SOUTH #104

MAILING ADDRESS FOR TAX MATTERS

600 BOULEVARD SOUTH #104

CITY AND STATE

ZIP

COUNTY

CITY AND STATE

ZIP

HUNTSVILLE, AL 35802 MADISONHUNTSVILLE, AL 358021. State of incorporation: ALABAMA2. Indicate month corporation closes its books: NOT KNOWN3. Nature of principal business in SC: LONG DISTANCE RESERVARS4. Location of registered office of the corporation in the state of SC is N/A in the city of N/A. Registered agent at such address is N/A.5. Location of principal office in SC (street, city, zip and county): NOT ESTABLISHED6. Date business commenced in SC: 8/15/01 Telephone # N/A7. If a professional corporation, are all shareholders, one-half of the directors (or individuals functioning as directors) and all officers (other than the secretary and treasurer) qualified to practice the professional services engaged in by the corporation? YES

8. The names and business addresses of the directors (or individuals functioning as directors) and principal officers in the corporation are:

SSN

Name/Title

Business Address and Office

258-06-4366MARK EROST - PRESIDENT600 BOULEVARD SOUTH #104

9. The total number of authorized shares of capital stock itemized by class and series, if any, within each class is as follows:

Number of Shares

Class

Series

10,000

10. The total number of issued and outstanding shares of capital stock itemized by class and series, if any, within each class is as follows:

Number of Shares

Class

Series

10,000

1. Fee due with this report	► 1.	25	00
2. Interest due	► 2.		
3. Penalty due	► 3.		
4. Total - Due (Make remittance payable to SC Department of Revenue.)	► 4. \$	25	00

**AFFIDAVIT**

I, the undersigned incorporator or principal officer of the corporation for which this return is made, declare that this return, including accompanying statements and schedules, has been examined by me and is to the best of my knowledge and belief a true and complete return made in good faith.

MARK EROST

THIS RETURN PREPARED BY

7/13/01

DATE

SIGNATURE OF INCORPORATOR OR OFFICER AUTHORIZED TO SIGN

PRESIDENT

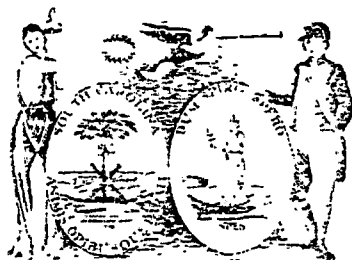
TITLE

ATTACH REMITTANCE HERE

ACCEPTED FOR PROCESSING - 2020 March 17 12:16 PM - SCPSC - 2001-309-C - Page 16 of 64



# *The State of South Carolina*



## *Office of Secretary of State Jim Miles* Certificate of Authorization

I, Jim Miles, Secretary of State of South Carolina Hereby certify that:

### ***OPTICAL TELEPHONE CORPORATION,***

a corporation duly organized under the laws of the state of **ALABAMA** and issued a certificate of authority to transact business in South Carolina on **June 20th, 2001**, has on the date hereof filed all reports due this office, paid all fees, taxes and penalties owed to the Secretary of State, that the Secretary of State has not mailed notice to the Corporation that its authority to transact business in South Carolina is subject to being revoked pursuant to Section 33-15-310 of the 1976 South Carolina Code, and no application for surrender of authority to do business in South Carolina has been filed in this office as of the date hereof.

Given under my Hand and the Great Seal of the State of South Carolina this 20th day of June, 2001.

Jim Miles, Secretary of State

**EXHIBIT C**

## **DEMONSTRATION OF MANAGERIAL COMPETENCE**

Optical Telephone Corporation's day-to-day operations will be managed primarily by Mark Frost. Mr. Frost has over 12 years of business experience including personnel and operations management. Mr. Frost's extensive technical experience coupled with his recent employment for a switchless reseller of interexchange long distance services have enabled him to develop an extensive understanding of the operations of long distance resell organizations. A copy of his resume is attached.

## **DEMONSTRATION OF TECHNICAL COMPETENCE**

Optical Telephone Corporation's technical operations will be managed by Mark Frost, David K. Burnette, Scotty Sharpe, and John Ross. Mr. Frost has over 12 years of technical experience, including software custom control development, technical support, and computer programming. Mr. Burnette has 10 years of technical experience including network administration and hardware/software installation, configuration and maintenance. Mr. Sharpe has five years of technical experience including network administration and systems administration. Mr. Ross has 6 years of technical experience including website design, database creation and maintenance, and network administration. The resumes for each of these individuals are attached.

Mark J. Frost
---------------

**Objective:** Continuing employment in the field of software development with a company in which my background, skills and experience can be best utilized to meet or exceed company objectives while aspiring to a position as high as my abilities and opportunity permit.

**Abilities:** Vocational training and aviation principals through the U.S. Navy. Electricity and Electronics courses at Marietta-Cobb Vocational School. Currently working on a Bachelor of Science degree in Computer Science at Kennesaw State College. Completed courses in C/C++ programming offered through ZedNet (Interactive Internet Training). I offer four years experience in aviation electronics and eight years civilian experience in analog and digital circuit repair. As well as five years of Windows programming.

**Experience:**  
1999-Present

UKI Communications, Inc.

In charge of maintaining and updating records for customer service.

2-97 to 1999

EITech Development, Inc.

Custom control development. Provide support and maintenance on existing custom controls, which include Compression Plus, FaxPlus, Encrypt-It Plus and Communications Library. Responsible for creating a TAPI interface that will ultimately be used in merging two existing products together. Also, developed an FTP prototype for Dynamic Update which will be releasing later this year. Additionally, I wrote the dialog logic for dynamically creating user defined dialog boxes that are currently used in the self extracting modules of compression Plus v5. Developing in Microsoft C.C++. Support requires knowledge of VB, FoxPro, Delphi, and several other programming languages.

6-96 to 1-97

IMS, Inc.

Worked on a credit control system, to pre-qualify prospective buyers, this project included interfacing with major credit card bureaus, and also allowed credit checking from the World Wide Web. project included heavy MAPI, TAPI and database work. I was also instrumental in finishing the Auto-Match 2000 system, a program designed to aid auto dealers in selling to perspective new and used car buyers.

10-95 to 6-96

MicroHelp Inc.

Worked on the Uninstaller design team designing prototypes for Uninstaller 4.0 in Visual basic, worked exclusively in Spanish, a zip compatible Windows program for end users in Visual Basic. I have written DLLs in Visual C++ 1.52, and Visual C++ version 4.0. In the course of working in Quality assurance I tested MicroHelps custom controls in both Visual Basic and Visual C/C++, reported bugs, and looked for an appropriate work around when engineering fix was going to take long to repair. As a technical support engineer, I provided help to developers using the MicroHelp custom controls, and developed a firmer understanding of the Windows API. I also learned the Microsoft Foundation classes for Visual C++ in the course of employment at MicroHelp.

4-94 to 10-95

Marietta, Georgia technical Support Manager

Wrote examples for using the EITech custom controls in Visual Basic and Visual C. These products included FaxPlus and Compression Plus. Provided phone, BBS, and Fax support for the EITech controls. Managed the overall operation and functions of the technical support division.

1-88 to 4-94

Shop Manager, Bench Technician

Repaired and calibrated all types of audiometric testing equipment. Equipment includes audiometers, tympanometers, ABR, ENG equipment. Duties included troubleshooting to component level, calibration and working within ANSI standards, close customer relations. Promoted to shop manager, duties included management of personnel, work scheduling and maintaining parts stock levels. Specialized testing equipment involved using sound meters, docimeters and artificial bone mastoids.

# John Ross



## Objective

To obtain a challenging and rewarding Computer Engineering or IT position with an organization that will effectively use my experience, training, and achievements.

## Summary of qualifications

Offering a comprehensive background of education, training and experience in computers, troubleshooting, assembly, maintenance, repairs, personnel training and supervision, technical support, and implementing policies and procedures. Strengths include excellent organizational, time management, leadership, interpersonal, and problem solving skills. Highly motivated, self-starter, with team player abilities. I have experience with NT 4.0 Workstation and Server, Windows 95, WFW, and DOS operating systems. I have worked extensively with Microsoft Office products such as Access, Excel, and Word. I have experience with SQL Server 6.5. I have designed and maintained Web Sites using Microsoft FrontPage and installed and maintained a webserver using Internet Information Server 4.0.

## Employment

1995 - Present                      Alpha Networks.                      Alpharetta, Georgia

### Network and Office Design

- Designed, installed, and maintain networks of 100 + workstations using Windows NT 4.0 Server, Windows NT 4.0 Workstation, and Windows 95 for several companies. I designed and maintained databases using Microsoft Access. I also created company web sites using Microsoft FrontPage, and worked closely with the programmers to design custom software. Installed and maintain the Company Webserver using Internet Information Server 4.0. Designed and maintained customer service infrastructures.

1990 - 1995                      Apollo Printing Inc.                      Richardson, Texas

### Manager

- Managed a printing firm. Did all the scheduling for 6 pressmen did some of the graphic artwork such as typesetting, logo design, and literature design.

## Accreditations

I have taken and passed all required and elective exams for Microsoft Certified System Engineer for NT 4.0, including the four core operating system exams and two elective exams, TCP/IP and SQL 6.5 Administration. Also have taken and passed all required and elective exams for MCP + Internet Certification including IIS 4.0 exam.

## Education

1989 - 1992                      Richland Community College Richardson, Texas

### Business Administration

- I have completed several core classes and business classes.

## Languages

I speak English, Spanish, and Italian.

DAVID K. BURNETTE, MCSE, MCP, A+  
 724 Deer Trail Rd  
 Daviston, AL 36256  
 256.329.1205 Work  
 256.409.2275 Home

## CAREER OBJECTIVE

To obtain a position with an established company where there is the opportunity for growth and utilizing the Network Administration, Hardware, and Computer skills that I possess.

## SUMMARY OF QUALIFICATIONS

I have a wide variety of experiences both in management and computer technical positions. I have over 4 years experience in installing, maintaining, configuring, and troubleshooting Windows NT 4.0, Windows 95/98, TCP/IP, UNIX networks. I've also worked with Novell networks to some extent. I have installed and configured Windows 2000 (Professional, Server, & Terminal Server) and Windows Me for over 16 months. I have over 7 years experience in PC hardware maintenance and troubleshooting. I am a trainer in several Software Applications and a trainer in Network and PC Operations. I have obtained the A+ certification and I am a Microsoft Certified Professional in NT 4.0 Server, NT 4.0 Workstation, Networking Essentials, NT Server 4.0 in the Enterprise, Internet Information Server 4.0, and Exchange Server 5.0. I am a Microsoft Certified Systems Engineer as well. I have experience in running independent businesses. I operated two small businesses, while attending college and still operate one of them part time.

## SOFTWARE APPLICATION

The software application that I am knowledgeable with are Word, Word Perfect, Corel Draw, PageMaker, Photoshop (in many different formats), Relativity, RMCOBOL, ICE TEN, ICE TCP, ICE TCP Pro, Netscape Communicator, Internet Explore, Adobe Illustrator, Paintbrush, PE Design, Power Point, Conversions Plus, Partition Magic, pcAnywhere and others. I am a trainer in Scott Accounting (SACS Housing Software) software in Maintenance Systems, Maintenance Work Orders, Preventatives Maintenance, Inspection System (on the PC and on the Pin Computer), Inventory, Tenant Accounts Receivable, Excess Utilities, Tenant Security, Menu System Maintenance.

## EDUCATION

2000 Microsoft Certified Technical Educational Center, Exedutrain Completed courses at present are NT 4.0 Workstation, NT 4.0 Server, NT 4.0 Server in the Enterprise, TCP/IP, IIS 4

1999 Certified SCO Training Center  
 Completed courses at present are Introduction to SCO Unix, System Admin I

1999 University of Tennessee, Knoxville, TN  
 Bachelor of Science Degree in Human Ecology (3.67 GPA)

1995 Pellissippi State Technical Community College, Knoxville, TN (59 credit hours earned)

1991 Platt College, San Diego, CA  
Computer Graphic Design/Graphic Design (completion of certificate program)

1990 Cuyamaca City College, San Diego, CA  
Desktop Publishing

#### **EXPERIENCE**

Network Administrator, Scott Accounting and Computer Services, Alexander City,  
AL June 1999 to Present

*Duties:* Responsible for configuration, maintenance, and administration of LANs and WANs on various networks at Housing Authorities in nine States. The main operating systems that I administer are Windows 2000, Windows NT 4.0, Windows 95/98, SCO UNIX, and Novell. I install hardware and software upgrades to networks and PCs. I install, configure, and troubleshoot hubs, routers, multiplexer's, modems, printers, scanners, PC components SCSI & IDE (motherboards, processors, video cards, sound cards, hard drives, cd-roms, cd-writers, network cards, zip drives, and others). I have experience servicing Laptops also. I've done cabling with 10Base-2, ThinNet, and 10Base-T.

Owner/Operator, E&E Design, Knoxville, TN 1991 to 1999

*Duties:* Computer Graphic Design, Graphic Design, and Desktop Publishing. PC maintenance and troubleshooting. PC System purchasing and sales.

Owner/Operator, Clean Touch, Knoxville, TN 1995 to 1999

*Duties:* Commercial Cleaning

Carpenter, Falcone Construction, San Diego, CA 1986 to 1988

*Duties:* All phases of residential construction

Sub-Contractor for several construction companies 1976 to 1986

*Duties:* Ranged from superintendent to common laborer of commercial and residential construction

#### **MEMBERSHIPS**

Kappa Omicron Nu, honor society, University of Knoxville, Knoxville, TN 1997 to 1999

Phi Theta Kappa, honor society, Mississippi State Technical Community College 1994-1996



**Scotty Sharpe, MCSE, MCP, A+**  
290 Price Avenue  
Alexander City, AL 35010  
[scotty@sacsinc.com](mailto:scotty@sacsinc.com)

Daytime: 256-329-1205  
Evening: 256-329-7792

## Information Technology

**OBJECTIVE** To secure a position as a Windows NT Systems Administrator in a growing technologically driven organization that will challenge my skills and utilize my strong leadership, analytical and problem solving abilities.

**TARGET JOB** Desired Job Type: Network Administrator  
Desired Status: Full-Time  
Date of Availability: After two weeks notice at current employer

**EXPERIENCE** October 1996- present Scott Accounting & Computer Service  
Alexander City, AL

### Computer Technician

- \* Installation, Administration, Cabling, Supporting and Troubleshooting Windows 2000, NT 4.0, 98, 95 and Unix Networks in both LANs and WANs in over 280 locations in the Southeast.
- \* Develop proposals for our end users based on what equipment they have and what they will need, including the following: Cabling, Hubs, Patch panels, Network cards, software, and custom PCs
- \* Installing and configuring hardware components on both servers and workstation such as: hard drives, network cards, motherboards, modems, video cards, sound cards, hubs, routers, cd-roms, cdrw, multiplexers, and others.



**EDUCATION**

CompTIA  
Montgomery, Alabama  
**A+ Certified Technician**

Athens Computer Learning Center, Inc.  
Birmingham, Alabama  
**Installing and Configuring Windows 2000**

ExecuTrain of Montgomery  
Birmingham, Alabama  
**Windows NT Workstation 4.0**  
**Windows NT Server 4.0**  
**Windows NT Server 4.0 Enterprise**  
**Networking Essentials**  
**TCP/IP**  
**Exchange Server 5.0**

**SKILLS**

Skill Name	Skill Level	Experience
Management	Intermediate	2 years
Network Administration	Intermediate	3 years
Troubleshooting	Advanced	5 years

**References Available Upon Request**

**EXHIBIT D**

## DEMONSTRATION OF FINANCIAL COMPETENCE

Optical Telephone Corporation was incorporated in March 2001. As such, it does not have audited financial statements, an income statement, or a statement of retained earnings. Despite this, as demonstrated in the Balance Sheet attached hereto, OTC maintains a current balance of \$258,144.00. Such capitalization is adequate to finance OTC's initial telecommunications service offerings.

As Optical Telephone Corporation is a switchless reseller and does not own, operate or lease telecommunications facilities, it has no lease or ownership obligations at this time.

10:45 AM  
05/02/01  
Accrual Basis

**Optical Telephone Corporation**  
**Balance Sheet**  
As of March 31, 2001

	Mar 31, 01
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
Regions Bank	75,000.00
Total Checking/Savings	75,000.00
Total Current Assets	75,000.00
Fixed Assets	
Equipment	
Cost - Equipment	148,562.00
Total Equipment	148,562.00
Furniture	
Cost - Furniture	34,582.00
Total Furniture	34,582.00
Total Fixed Assets	183,144.00
<b>TOTAL ASSETS</b>	<b>258,144.00</b>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Long Term Liabilities	
Loan From Shareholder	258,144.00
Total Long Term Liabilities	258,144.00
Total Liabilities	258,144.00
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>258,144.00</b>

**EXHIBIT E**

SOUTH CAROLINA TELECOMMUNICATIONS TARIFF

OF

Optical Telephone Corporation

600 Blvd. South, Suite 104  
Huntsville, AL 35802

RESALE INTEREXCHANGE TELECOMMUNICATIONS SERVICE

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of telecommunications services provided by Optical Telephone Corporation within the State of South Carolina. This tariff is on file with the South Carolina Public Service Commission ("Commission"). Copies may be inspected during normal business hours at the Company's principal place of business; 600 Blvd. South, Suite 104, Huntsville, AL 35802.

Optical Telephone Corporation is a provider of interexchange telecommunications services on a 24-hour basis. Service is provided for the direct transmission and reception of voice and data communications between points within the State of South Carolina as an adjunct to Optical Telephone Corporation's interstate service.

---

Issued:

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

CHECK SHEET

The Title Page and Pages 1 through 34 inclusive of this tariff are effective as of the date shown at the bottom of the respective Page(s).

<u>PAGE</u>	<u>REVISION</u>
Title	Original
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original
12	Original
13	Original
14	Original
15	Original
16	Original

Issued: July 11, 2001

Effective Date:

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

CHECK SHEET (CONT'D.)

<u>PAGE</u>	<u>REVISION</u>
17	Original
18	Original
19	Original
20	Original
21	Original
22	Original
23	Original
24	Original
25	Original
26	Original
27	Original
28	Original
29	Original
30	Original
31	Original
32	Original
33	Original
34	Original

Issued: July 11, 2001

Effective Date:

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522



TABLE OF CONTENTS

Title Page.....	Title
Check Sheet .....	1
Table of Contents .....	3
Concurring, Connecting and Participating Carriers.....	4
Explanation of Symbols .....	5
Tariff Format .....	6
Application of Tariff.....	8
Section 1 - Technical Terms and Abbreviations .....	9
Section 2 - Rules and Regulations .....	12
Section 3 - Description of Service.....	28
Section 4 - Rates .....	32
Section 5 - Maximum Rates .....	34

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

**CONCURRING CARRIERS**

None

**CONNECTING CARRIERS**

None

**OTHER PARTICIPATING CARRIERS**

None

---

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

EXPLANATION OF SYMBOLS

- (C) To signify **changed** condition or regulation.
- (D) To signify **deleted or discontinued** rate, regulation or condition.
- (I) To signify a change resulting in an **increase** to a customer's bill.
- (M) To signify that material has been **moved from** another tariff location.
- (N) To signify a **new** rate, regulation condition or Page.
- (R) To signify a change resulting in a **reduction** to a customer's bill.
- (T) To signify a change in **text** but no change to rate or charge.

Issued: July 11, 2001  
Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

---

**TARIFF FORMAT**

- A. **Page Numbering** - Page numbers appear in the upper right corner of the Page. Pages are numbered sequentially. However, occasionally, when a new Page is added between Pages already in effect, a decimal is added. For example, a new Page added between Pages 14 and 15 would be 14.1.
- B. **Page Revision Numbers** - Revision numbers also appear in the upper right corner of each Page. These numbers are used to determine the most current Page version on file with the Commission. For example, the 4th revised Page 14 cancels the 3rd Revised Page 14. Because of various suspension periods, deferrals, etc. the Commission follows in their tariff approval process, the most current Page number on file with the Commission is not always the Page in effect. Consult the Check Sheet for the Page currently in effect.

---

Issued: July 11, 2001

Effective Date:

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

**TARIFF FORMAT (CONT'D.)**

- C. **Paragraph Numbering Sequence** - There are four levels of paragraph coding. Each level of code is subservient to its next higher level:
- 2.
  - 2.1.
  - 2.1.1.
  - 2.1.1.1.
- D. **Check Sheets** - When a tariff filing is made with the Commission, an updated Check Sheet accompanies the tariff filing. The Check Sheet lists the Pages contained in the tariff with a cross reference to the current revision number. When new Pages are added, the Check Sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (\*). There will be no other symbols used on this Page if these are the only changes made to it (i.e., the format, etc., remains the same, just revised revision levels on some Pages). The Tariff user should refer to the latest Check Sheet to find if a particular Page is the most current on file with the Commission.

Issued: July 11, 2001  
Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

---

**APPLICATION OF TARIFF**

This tariff contains the rates applicable to the provision of specialized intrastate resale common carrier telecommunications services by Optical Telephone Corporation between various locations within the State of South Carolina. All services are interstate offerings. Intrastate service is an add on service available only if the Customer subscribes to the Company's interstate offerings.

---

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS**

**Account Code:**

A numerical code, one or more of which are available to a customer to enable identification of individual users or groups of users on an account and to allocate costs of service accordingly.

**Called Station:**

The terminating point of a call (i.e., the called number).

**Calling Card:**

A card issued by Company containing such account numbers assigned to its Customer which enables the charges for calls made to be properly billed on a pre-arranged basis.

**Company:**

Optical Telephone Corporation.

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

---

**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS (CONT'D.)**

**Commission:**

The South Carolina Public Service Commission.

**Customer:**

The person, firm, corporation or other entity which orders or uses service and is responsible for payment of charges and compliance with tariff regulation.

**Disconnect or Disconnection:**

The termination of a circuit connection between the Originating Station and the Called Station or the Company's operator.

**Measured Service:**

The provision of long distance measured time communications telephone service to customers who access the Company's service at its contracted interexchange carriers' switching and call processing equipment by means of access facilities obtained from local exchange common carrier(s). Company contracted interexchange carrier is responsible for arranging the access lines.

**Originating Station:**

The originating point of a call.

---

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:



---

**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS (CONT'D.)**

**Point of Presence:**

The point of physical interconnection between the local exchange company's local network and the interexchange carrier's network ("POP").

**Postpaid Service:**

Presubscribed service where subscribers are billed for and remit payment subsequent to the provision of service.

**Subscriber:**

See "Customer" definition.

**Travel Card:**

See "Calling Card" definition.

**V & H Coordinates:**

Geographic Points which define the originating and terminating points of a call in mathematical terms so that the airline mileage of the call may be determined. Call mileage is used for the purpose of rating calls.

---

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

**SECTION 2 - RULES AND REGULATIONS**

**2.1. Undertaking of Company**

- 2.1.1. Company's services are furnished for telecommunications originating and/or terminating in any area within the State of South Carolina.
- 2.1.2. Company is a non-facilities based provider of interexchange telecommunications to Customers for their direct transmission and reception of voice, data, and other types of communications.
- 2.1.3. Company resells access, switching, transport and termination services provided by interexchange carriers.
- 2.1.4. Customer's monthly charges for Company's service are based on the total time Customer actually uses the service. For billing purposes, the duration of each call will be rounded up in sixty (60) second increments unless otherwise specified.
- 2.1.5. Subject to availability, the customer may use authorization codes to identify the users or user groups on an account. The numerical composition of the codes shall be set by Company to assure compatibility with the Company's accounting and billing systems and to avoid the duplication of codes.
- 2.1.6. The Company's services are provided on a monthly basis unless otherwise provided, and are available twenty-four (24) hours per day, seven (7) days per week.

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

---

**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

**2.2. Limitations**

- 2.2.1. Service is offered subject to availability of the necessary facilities and/or equipment and subject to the provisions of this tariff. Company reserves the right not to remove service to or from a location where the necessary facilities or equipment are not available.
- 2.2.2. Company reserves the right to immediately disconnect service upon its written notice when necessitated by conditions beyond the Company's control, or when the Customer is using the service in violation of either the provisions of this tariff, or in violation of the law pursuant to Section 2.3.
- 2.2.3. The Company does not undertake to transmit messages, but offers the use of its facilities when available.
- 2.2.4. Title to all facilities provided by Company under these regulations remains in Company's name.
- 2.2.5. Prior written permission from the Company is required before any assignment or transfer. All regulations and conditions contained in this tariff shall apply to all such permitted assignees or transferees, as well as all conditions of service.

---

Issued: July 11, 2001

Effective Date:

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

---

**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

**2.3. Use**

- 2.3.1. Service may be used for the transmission of communications by the customer.
- 2.3.2. Service may not be used for any unlawful purpose or for any purpose for which any payment or other compensation is received by the Customer, except when the Customer is a duly authorized and regulated common carrier. This provision does not prohibit an arrangement between the Customer, authorized user or joint user to share the cost of service.
- 2.3.3. The Company strictly prohibits use of the Company's services without payment or an avoidance of payment by the Customer by fraudulent means or devices including providing falsified calling card numbers or invalid calling card numbers to the Company, providing falsified or invalid credit card numbers to the Company or in any way misrepresenting the identity of the Customer.

---

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

**SECTION 2 - RULES AND REGULATIONS (CONT'D.)****2.4. Liabilities of the Company (Cont'd .)**

2.4.1. The liability of the Company for damages arising out of the furnishing of its services, including but not limited to mistakes, omissions, interruptions, delays, or errors, or other defects, representations, or use of these services or arising out of the failure to furnish the service, whether caused by acts or omission, shall be limited to the extension of allowances for interruption as set forth in 2.6. The extension of such allowances for interruption shall be the sole remedy of the Customer and the sole liability of the Company. The Company shall not be liable for any direct, indirect, consequential, special, actual or punitive damages, or for any lost profits of any kind or nature whatsoever arising out of any defects or any other cause.

2.4.2. Company shall be indemnified and held harmless by the customer against:

- A. Claims for libel, slander, infringement of copyright or unauthorized use of any trademark, trade name or service mark arising out of the material, data, information or other content transmitted over company's facilities; and
- B. Claims for patent infringement arising from combining or connecting company's facilities with apparatus and systems of the Customer; and
- C. All other claims arising out of any act or omission of the Customer in connection with any service provided by Company.

---

Issued: July 11, 2001

Effective Date:

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

**2.4. Liabilities of the Company (Cont'd .)**

- 2.4.3. The Company is not liable for any defacement of, or damage to, the equipment or premises of a customer resulting from the furnishing of services when such defacement or damage is not the result of the Company's negligence.

No agents or employees of connecting, concurring or other participating carriers or companies shall be deemed to be agents or employees of the Company without written authorization.

- 2.4.4. Company shall not be liable for and the Customer indemnifies and holds harmless from any and all loss claims, demands, suits, or other actions or liabilities whatsoever, whether suffered, made, instituted or asserted by the Customer or by any other party or person, for any personal injury to, death of any person or persons, and for any loss, damage, defacement or destruction of the premises of the customer or any other property, whether owned by the Customer or by others, caused or claimed to have been caused directly or indirectly by the installation, operation, failure to operate, maintenance, removal, presence, condition, location or use of equipment or wiring provided by company where such installation, operation, failure to operate, maintenance, condition, location or use is not the direct result of the Company's negligence.

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

---

**SECTION 2 - RULES AND REGULATIONS (CONT'D.)****2.4. Liabilities of the Company (Cont'd .)**

- 2.4.5. The Company is not liable for any failure of performance hereunder due to causes beyond its control, including, but not limited to, unavoidable interruption in the working of its circuits or those of another common carrier; acts of God, storms, fire, floods, or other catastrophes; any law, order, regulation, direction, action, or request of the United States Government, or any other governmental entity having jurisdiction over the company or of any department, agency, commission, bureau, corporation, or other instrumentality or any one or more of such instrumentality or any one or more of such governmental entities, or of any civil or military authority; national emergencies, insurrections, riots, rebellions, wars, strikes, lockouts, work stoppages, or other labor difficulties; or notwithstanding anything in this tariff to the contrary, the unlawful acts of the Company's agents and employees, if committed beyond the scope of their employment.
- 2.4.6. The Company shall not be liable for damages or adjustments, refunds, or cancellation of charges unless the Customer has notified the Company, in writing, of any dispute concerning charges, or the basis of any claim for damages, after the invoice is rendered by the company for the call giving rise to such dispute or claim, unless ordered by the Commission pursuant to South Carolina law. Any such notice must set forth sufficient facts to provide the Company with a reasonable basis upon which to evaluate the Customer's claims or demands.

---

Issued: July 11, 2001

Effective Date:

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

---

**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

**2.4. Liabilities of the Company (Cont'd .)**

2.4.7. The Company shall not be liable for any damages, including usage charges, that the Customer may incur as a result of the unauthorized use of its communications equipment. The unauthorized use of the Customer's communications equipment includes, but is not limited to, the placement of calls from the Customer's premises and the placement of calls through Customer-controlled or Customer-provisioned equipment that are transmitted or carried over the Company's network services without the authorization of the Customer. The Customer shall be fully liable for all such charges.

**2.5. Prepaid Subscriber Responsibilities**

(Reserved for Future Use)

---

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:



---

**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

**2.6. Interruption of Service**

- 2.6.1. Credit allowance for interruptions of service which are not due to Company's testing or adjusting, to the negligence of the customer, or to the failure of channels, equipment and/or communications equipment provided by the Customer, are subject to the general liability provisions set forth in Section 2.4, herein. It shall be the obligation of the Customer to notify Company of any interruptions of service. Before giving such notice, the Customer shall ascertain that the trouble is not being caused by any action or omission of the Customer, not within the Customer's control.
- 2.6.2. No credit allowances will be allowed for an interruption of services for continuous duration of less than two hours.
- 2.6.3. The subscriber shall be credited for an interruption of two hours or more at the rate of 1/160th for each hour over two (2) such hours of interruption up to a maximum of 6/160th multiplied by the average monthly usage bill of the Customer. If service is activated for less than one (1) month, the monthly usage amount shall be determined by extending the actual usage for the days of service to thirty (30) days.
- 2.6.4. In the event of foreknowledge of an interruption in service for a period exceeding two hours, the subscribers will be notified in writing, by mail, at least one week in advance.

---

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

**SECTION 2 - RULES AND REGULATIONS (CONT'D.)****2.7. Restoration of Service**

The use and restoration of service in emergencies shall be in accordance with part 64, Subpart D of the Federal Communications Commission's Rules and Regulations which specifies the priority system for such activities.

**2.8. Payments and Billing for Postpaid Services**

- 2.8.1. Charges for service are applied on a recurring and nonrecurring basis. Service is provided and billed on a monthly (30 day) basis. The billing date is dependent on the billing cycle assigned to the subscriber. Service continues to be provided until canceled by the Customer.
- 2.8.2. The Customer is responsible for the payment of all charges for services furnished to the Customer. Charges are based on actual usage and are billed monthly in arrears.
- 2.8.3. Billing will be payable upon receipt and deemed past due ten (10) days after issuance and posting of invoice. Bills not paid within thirty (30) days after the date of posting are subject to a maximum 1.5% late payment charge for the unpaid balance.
- 2.8.4. The name(s) of the Customer(s) desiring to use the service must be set forth in the application for service.

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

**2.9. Billing Disputes**

- 2.9.1. Billing disputes should be addressed to Company's Customer Service Organization via telephone to (866) 318-5480. Customer Service is available twenty-four hours per day, seven days per week.
- 2.9.2. In the case of a dispute between the Customer and the Company for service furnished to the Customer, which cannot be settled with mutual satisfaction, the Customer can take the following course of action:
- 2.9.2.1. First, the Customer may request the Company perform an in-depth review of the disputed amount. (The undisputed portion and subsequent bills must be paid on a timely basis or the service may be subject to disconnection).
- 2.9.2.2. Second, if there is still a disagreement about the disputed amount after the investigation and review by a manager of the Company, the Customer may appeal to the Commission for its investigation and decision. The address of the Commission is:

South Carolina Public Service Commission  
Consumer Services Division  
Saluda Building  
101 Executive Drive, Suite 100  
Columbia, SC 29210  
Telephone: (800) 922-1531

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

**2.10. Cancellation by Customer**

- 2.10.1. Customer may cancel service by providing oral or written notice to Company prior to cancellation.
- 2.10.2. Customer is responsible for usage charges while still connected to the Company's service and the payment of associated local exchange company charges, if any, for service charges.
- 2.10.3. Any non-recoverable cost of company expenditures shall be borne by the customer if:
- A. The Customer orders service requiring special facilities dedicated to the Customer's use and then cancels the order before such service begins, before completion of the minimum period or before completion of some period mutually agreed with the Customer for the non-recoverable portions of expenditures; or
  - B. Liabilities are incurred expressly on behalf of the customer by Company and not fully reimbursed by installation and monthly charges; and
  - C. Based on an order for service and construction has either begun or has been completed, but no service provided.

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

**2.11. Cancellation by Company**

2.11.1. Company reserves the right to immediately discontinue furnishing the service to customers without incurring liability:

- A. In the event of a condition determined to be hazardous to the customer, to other customers of the utility, to the utilities equipment, to the public or to employees of the utility; or
- B. By reason of any order or decision of a court or any other governmental authority which prohibits the Company from furnishing such service; or
- C. If the Company deems such refusal necessary to protect itself or third parties against fraud or to otherwise protect its personnel, agents, facilities or services without notice; or
- D. For unlawful use of the service or use of the service for unlawful purposes; or
- E. If the Customer provides false information to the Company regarding the Customer's identity, address, credit-worthiness, past, current or planned use of Company's services.

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

**2.11. Cancellation by Company (Cont'd .)**

2.11.2. Company may discontinue service according to the following conditions upon ten (10) days written notice:

- A. For violation of Company's filed tariff.
- B. For the non-payment of any proper charge as provided by Company's tariff.
- C. For Customer's breach of the contract for service between the utility and Customer.
- D. When necessary for the Company to comply with any order or request of any governmental authority having jurisdiction.

2.11.3. The discontinuance of Service(s) by the Company pursuant to this section does not relieve the Customer of any obligations to pay the Company for charges due and owing for Service(s) furnished up to the time of discontinuance. The remedies set forth herein shall not be exclusive and the company shall at all times be entitled to all the rights available to it under law or equity.

2.11.4. The Company may refuse to permit collect calling, calling card, third number billing which it determines to be fraudulent and/or may limit the use of these billing options or services.

Issued: July 11, 2001

Effective Date:

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

---

**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

**2.12. Interconnection**

- 2.12.1. Service furnished by Company may be interconnected with services or facilities of other authorized communications common carriers and with private systems, subject to the technical limitations established by Company. Any special interface of facilities necessary to achieve compatibility between the facilities of Company and other participating carriers shall be provided at the Customer's expense.
- 2.12.2. Interconnection between the facilities or services of other carriers shall be under the applicable terms and conditions of the other carriers' tariffs. The Customer is responsible for taking all necessary legal steps for interconnecting Customer provided terminal equipment or communications equipment with Company's facilities. The Customer shall secure all licenses, permits, rights-of-way, and other such arrangements necessary for interconnection.

**2.13. Deposits**

The Company does not require a deposit from the Customer.

---

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

---

**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

**2.14. Taxes and Surcharges**

**2.14.1. Taxes**

Taxes are not included in the tariffed rates.

**2.14.2. Public Payphone Surcharge**

In order to recover the Company's expenses and to comply with the FCC's pay telephone compensation plan (FCC CC Dkt. No. 96-128), a non-discountable per call charge is applicable to all completed dial-around calls which originate from public pay telephones. This surcharge is in addition to standard tariffed usage charges and any applicable service charges and surcharges. The Public Pay Telephone Surcharge will, whenever possible, appear as a separate line item on monthly bills to customers.

---

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:



---

**SECTION 2 - RULES AND REGULATIONS (CONT'D.)****2.15. Marketing**

As a telephone utility under the regulation of the Public Service Commission of South Carolina, the Company hereby asserts and affirms that as a reseller of intrastate telecommunications service, the Company will not indulge or participate in deceptive or misleading telecommunications marketing practices to the detriment of consumers in South Carolina, and the Company will comply with those marketing procedures, if any, set forth by the Commission. Additionally, The Company will be responsible for the marketing practices of its contracted telemarketers for compliance with this provision. The Company understands that violation of this provision could result in a rule to Show Cause as to the withdrawal of its certification to complete intrastate telecommunications traffic within the State of South Carolina.

**2.16. Tests, Pilots, Promotional Campaigns and Contests**

The Carrier may conduct special tests, pilot programs, and promotions at its discretion to demonstrate the ease of use, quality of service and to promote the sale of its services. All promotions will be filed with the Commission for prior approval.

---

Issued: July 11, 2001

Effective Date:

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

**SECTION 3 - DESCRIPTION OF SERVICE**

**3.1. Timing of Calls**

- 3.1.1. The subscriber's long distance usage charge is based on the actual usage of Company's service. Usage begins when the receiver of the called number is answered. The moment of the called party's answer is determined by hardware supervision in which the local telephone company sends a signal to the underlying carrier's switch or the software utilizing audio tone detection. The timing of the call occurs when called party answers and terminates when either party hangs up.
- 3.1.2. Unless otherwise specified in this tariff, the minimum call duration for billing purposes is sixty (60) seconds with sixty (60) second billing increments thereafter.
- 3.1.3. Any portion of an applicable increment, after the appropriate minimum time for the call, will be rounded upward to the next increment. Calls less than the minimum length will be rounded to the minimum length.
- 3.1.4. There is no billing for incomplete calls.

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

**SECTION 3 - DESCRIPTION OF SERVICE (CONT'D.)****3.2. Calculation of Distance**

Usage charges for all mileage sensitive products are based on the airline distance between the serving wire center locations associated with the originating and terminating points of the call. The airline mileage between rate centers is determined by applying the formula below to the vertical and horizontal coordinates associated with the rate centers involved. The Company uses the rate centers and associated vertical and horizontal coordinates that are produced by Bell Communications Research in the V & H Coordinates Tape and appear in National Exchange Carriers Association Tariff No.4.

FORMULA:

$$\frac{\sqrt{(V1 - V2)^2 + (H1 - H2)^2}}{10}$$

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

**SECTION 3 - DESCRIPTION OF SERVICE (CONT'D.)****3.2. Calculation of Distance (Cont'd .)**

EXAMPLE: Distance between Miami and New York City:

	<u>V</u>	<u>H</u>
Miami	8,351	529
New York	<u>4,997</u>	<u>1,406</u>
Difference	3,354	(877)

Square and add:  $11,249,316 + 769,129 = 12,018,445$ Divide by 10 and round:  $12,018,445/10 = 1,201,844.5$   
1,201,844Take the square root and round:  $1,201,844 = 1,096.2$   
1,096 miles

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

---

**SECTION 3 - DESCRIPTION OF SERVICE (CONT'D.)**

**3.3. Optical Telephone Corporation's Telecommunications Services**

- 3.3.1. One Plus Services - enables a caller to complete calls within the State of South Carolina. The Customer may access the service by dialing "1", plus the Numbering Plan Area ("NPA") code and telephone number (Central Office ("CO") code and station line).
- 3.3.2. Calling Card Service - is offered either alone or in conjunction with the One Plus Service as an optional feature. Remote Access to One Plus Service is utilized by Customers when off the network by dialing a toll-free number and entering an authorization code and dialing the number to which the Customers desire to be connected.

---

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

**SECTION 4 - RATES****4.1. Service Charges****4.1.1. One Plus Service**

	Timing	
	Initial 60 Sec.	Add'l 60 Sec.
Intrastate	\$0.12	\$0.12

**4.1.2. Calling Card Service**

Rate per minute: \$0.18

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

---

**SECTION 4 - RATES (CONT'D.)****4.2. Surcharges****4.2.1. Public Pay Telephone Surcharge**

The following charge is assessed on a per-completed call basis: \$0.85

**4.2.2. Return Check Fee**

The following is assessed for each returned check: \$20.00

**4.2.3. Directory Assistance**

The following charge is assessed for each directory assistance call: \$0.85

---

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date:

**SECTION 5 - MAXIMUM RATES**

The Company is being regulated in the same manner granted to AT&T Communications of the Southern States by Commission Order Nos. 95-1734 and 96-55 issued in Docket No. 95-661-C. The Company is not required to tariff maximum rates for its business and consumer card offerings. Accordingly, the following maximum rates apply only to residential services offered by the Company.

**5.1. Maximum Service Charges****5.1.1. One Plus Service**

	Timing	
	Initial 60 Sec.	Add'l 60 Sec.
Intrastate	\$0.25	\$0.25

**5.1.2. Calling Card Service**

Rate per minute:      \$0.25

Issued: July 11, 2001

Issued By:

Mark Frost  
Optical Telephone Corporation  
600 Blvd. South, Suite 104  
Huntsville, AL 35802  
Tel: (256) 705-3522

Effective Date: